

Order

Michigan Supreme Court
Lansing, Michigan

September 23, 2015

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2014-40

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Amendment of Rule 2.506
of the Michigan Court Rules

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of MCR 2.506 is adopted, effective January 1, 2016.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 2.506 Subpoena; Order to Attend

(A)-(F)[Unchanged.]

(G) Service of Subpoena and Order to Attend; Fees.

(1)-(2)[Unchanged.]

- (3) A subpoena or order to attend directed to the Michigan Department of Corrections, Michigan Department of Health and Human Services, Michigan State Police Forensic Laboratory, other accredited forensic laboratory, law enforcement, or other governmental agency may be served by electronic transmission, including by facsimile or over a computer network, provided there is a memorandum of understanding between the parties indicating the contact person, the method of transmission, and the e-mail or facsimile number where the subpoena or order to attend should be sent. A confirmation correspondence must be received from the recipient within 2 business days after email or facsimile service is complete, and the confirmation correspondence shall be filed with the court. If no confirmation correspondence is provided within 2 business days after email or facsimile transmission, the subpoena must be served in the manner provided in subrule (G)(1).

(4) [Former subrule “(3)” renumbered as “(4),” but otherwise unchanged.]

(H)-(I) [Unchanged.]

Staff Comment: The amendment of MCR 2.506(G)(3) allows electronic or facsimile transmission of subpoenas to attend when the subpoenas are directed to specific identified departments or agencies and when there is a memorandum of understanding between the parties as described by the amendment; the revision also would require a confirmation to be received within 2 business days after email or facsimile transmission of the subpoena. If no confirmation is provided, the subpoena must be served in the traditional manner.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 23, 2015

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk